

Key

Hazardous Waste Management Regulations

Proposed Revision “x”

1. Federal Register (FR) July 24, 2002, Page 48393, established a conditional exclusion for hazardous secondary materials that are recycled and used to make zinc fertilizers from the regulatory definition of solid waste. Zinc fertilizers made from electric arc furnace dust (K061) must comply with LDR treatment standards for the hazardous wastes contained in the fertilizers unless the manufacturer meets the new, more stringent contaminant limits.
2. Federal Register (FR) October 7, 2002, Page 62617, is designating macroencapsulation as the required treatment prior to land disposal for new waste subcategories of radioactivity contaminated cadmium, mercury and silver containing batteries.
3. Federal Register (FR) December 19, 2002, Page 77687, corrects technical errors in three (3) rules previously published on July 3, 2001, February 13, 2002, and February 14, 2002. (Note: No additional changes were necessary in Tennessee Regulations.)
4. Federal Register (FR) December 26, 2002, Page 78718, excludes cathode ray tubes (CRTs) and glass removed from them, currently classified as characteristic hazardous wastes, from the definition of “solid waste” in the EPA Region III Mid-Atlantic States only as a Pilot-Specific Rule. (Note: These changes are not applicable in Tennessee. EPA believes this action will encourage increased recycling and better management of these materials.)

HOUSEKEEPING

1. Rule Chapter 1200-1-10 Administrative Procedures is being deleted in its entirety. This Rule Chapter is obsolete and may conflict with the Uniform Administrative Procedures Act.
2. Rule 1200-1-11-.01(3) Petitions for Exclusions is being modified to remove subparagraph (b) Petitions for Equivalent Testing or Analytical Methods and subparagraph (c) Petitions to Exclude a Waste Produced at a Particular Facility as nonhazardous (referred to as “delisting”). The authority for implementing these two (2) subparagraphs remains with the U. S. Environmental Protection Agency (EPA).
3. Miscellaneous clarifications are being made to Rule Chapter 1200-1-11.

4. Miscellaneous typographical errors are being corrected in Rule Chapter 1200-1-11.
5. Requirements applicable to transfer facilities are being added to Rules 1200-1-11-.04 and 1200-1-11-.08 which include, but are not limited to, the requirement of an Installation Identification Number, maintaining a log of all shipments of hazardous waste and other information as required by the Commissioner, and compliance with personnel training and security rules.
6. A transporter permit renewal form is being required to be submitted to the Department by December 31 instead of March 1 in Rule 1200-1-11-.04(2)(b)1.
7. A transporter renewal permit shall be issued by January 31 as proposed in Rule 1200-1-11-.04(2)(b)3(ii).
8. Rule 1200-1-11-.04(2)(c)1 sets forth that transporter permits remain in effect until January 31.
9. Rule 1200-1-11-.04(2)(d)3 requires an “original permit” (not a copy) be available in each hazardous waste transporter vehicle and shall be provided upon request to a generator, shipper, or transfer facility operator.
10. Rule 1200-1-11-.08(1)(b)8 makes fees contained in this rule applicable to transfer facilities as appropriate.
11. Rule 1200-1-11-.08(1)(c) is being amended to state that other methods of payment other than by check or money order may be used if approved by the Commissioner.
12. Rule 1200-1-11-.08(4)(a) requires transporters to submit an annual permit maintenance and renewal fee by December 31 instead of March 1.
13. Rule 1200-1-11-.08(4)(b)1 is being amended to clarify that it is the largest constructed design capacity amount that should be used in calculating the category fees and half-fees are being eliminated by deleting existing subparts (iii), (iv), and (vi).
14. The definition of “commercial facility” in Rule 1200-1-14-.01(2)(a) regarding Commercial Hazardous Waste Management Facilities is being modified to be equivalent to the statutory definition.